

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	<u>PRELIMINARY ORDER OF</u>
- v. -	:	<u>FORFEITURE/</u>
	:	<u>MONEY JUDGMENT</u>
JOHN FAZIO, JR.,	:	S2 11 Cr. 873 (ER)
	:	
Defendant.	:	
	:	
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WHEREAS, on or about March 14, 2012, JOHN FAZIO, JR. (the “Defendant”), was charged in a five-count Superseding Information, S2 11 Cr. 873 (KBF) (the “Indictment”), with racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d) (Count One); racketeering, in violation of Title 18, United States Code, Section 1962(c) (Count Two); extortion conspiracy, in violation of Title 18, United States Code, Section 1951 (Count Three); conspiracy to receive unlawful labor payments, in violation of Title 18, United States Code, Section 371 (Count Four); and money laundering conspiracy, in violation of Title 18, United States Code, Section 1956(h) (Count Five);

WHEREAS, the Indictment included a forfeiture allegation as to Count One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 1963, of interests of the Defendant including but not limited to, at least \$1,000,000 in United States currency and any and all property, constituting or derived from proceeds obtained, directly or indirectly, from racketeering activity in violation of Title 18, United States Code, Section 1962;

WHEREAS, the Indictment included a forfeiture allegation as to Count Three and Four of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and

personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts Three and Four of the Indictment, for which the defendants are jointly and severally liable, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offenses charged in Count Three and Four of the Indictment;

WHEREAS, the Indictment included a forfeiture allegation as to Count Five of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982, of all property, real and personal, involved in the offense charged in Count Five of the Indictment and all property traceable to such property for which the defendants are jointly and severally liable.

WHEREAS, on or about May 12, 2012, the Defendant was found guilty, following a jury trial, of Counts One through Five of the Indictment;

WHEREAS, on or about September 13, 2012, a Preliminary Order of Forfeiture was entered by the Court imposing a forfeiture money judgment against the Defendant in the amount of \$2,500,000 in United States currency (the “Money Judgment”) for which he was to be jointly and severally liable with his co-defendants, Anthony Fazio, Sr., Anthony Fazio, Jr., and Ernest Orgel and forfeiting all of the Defendant’s right, title and interest in various properties to the Government (the “Subject Properties”)(D.E. 176);

WHEREAS, on June 5, 2013, a Final Order of Forfeiture (the “Final Order of Forfeiture”) was entered with respect to certain Subject Properties (the “Forfeited Properties”)(D.E. 258);

WHEREAS, on September 16, 2019, this Court issued an order (the “September Order”) vacating, in part, the Preliminary Order of Forfeiture entered against the Defendant.¹

WHEREAS, the Government asserts that a total of \$1,091,001 in United States currency represents the proceeds traceable to the offenses charged in Counts One through Four of the Indictment that the Defendant personally obtained and property involved in Count Five of the Indictment; and

WHEREAS, the Government seeks the entry of a forfeiture money judgment in the amount \$1,091,001 in United States currency represents the proceeds traceable to the offenses charged in Counts One through Four of the Indictment that the Defendant personally obtained and property involved in Count Five of the Indictment (i) \$933,551 of which the Defendant is jointly and severally liable with his co-defendant Anthony Fazio, Sr. and the forfeiture money judgment entered against him in this case; and (ii) \$655,051 of which the Defendant is jointly and severally liable with his co-defendant, Anthony Fazio, Jr and Ernest Orgel and the forfeiture money judgments entered against them in this case;

WHEREAS, the Court finds that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One through Four of the Indictment that the Defendant personally obtained and property involved in Count Five of the Indictment, with the exception of the Forfeited Properties, cannot be located upon the exercise of due diligence.

¹ The September Order vacated only the Preliminary Order of Forfeiture, which was “entered against [the Defendant],” and did not vacate the Final Order of Forfeiture, which disposed of any interests potentially held by other parties in the Forfeited Properties.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One through Five of the Indictment, to which the Defendant was found guilty, following a jury trial, a money judgment in the amount of \$1,091,001 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One through Four of the Indictment that the Defendant personally obtained and property involved in the offense charged in Count Five of the Indictment (i) \$933,551 of which the Defendant is jointly and severally liable with his co-defendant Anthony Fazio, Sr. and the forfeiture money judgment entered against him in this case; and (ii) \$655,051 of which the Defendant is jointly and severally liable with his co-defendant, Anthony Fazio, Jr and Ernest Orgel and the forfeiture money judgments entered against them in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, JOHN FAZIO JR., and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38th Floor, New York, New York 10278 and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. The Final Order of Forfeiture is and remains in full force and effect.

6. Upon entry of the Preliminary Order of Forfeiture/Money Judgment, the Forfeited Properties shall be applied towards the satisfaction of the Money Judgment.

7. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

9. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Dated: New York, New York
June 12, 2025

SO ORDERED:

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written over a horizontal line.

HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE